consisting of

i. Asp-Arg-Trp-Gly-Ser-Tyr^{420} (SEQ ID NO:77) → Pro^{641};

ii. Asp-Arg-Trp-Gly-Ser-Ser^{118} (SEQ ID NO:78) → Pro^{641};

iii. Asp-Arg-Trp-Gly-Ser-Leu^{123} (SEQ ID NO:79) → Val^{331}; and

j. a leptin receptor as described in (a)-(d) above in which a cysteine is substituted with an amino acid selected from the group consisting of serine, threonine, and alanine;

wherein the numbering is based on the amino acid sequence of SEQ ID NO:55 [of claim 27].

31. (Amended) An oligonucleotide hybridizable under stringent conditions to the nucleic acid molecule having a nucleotide sequence corresponding or complementary to the DNA sequence set forth in SEQ ID NO:1, 3, 5, 7 or 9 [of claim 28].

REMARKS

Claims 1-72 are pending in application as amended. Claims 29-31 have been amended and new Claims 67-72 are presented in order to more particularly point out and distinctly claim that which Applicants regard as the invention. Support for the newly presented Claims can be found generally throughout the Specification, including in particular on page 56, lines 26-34, and at pages 59-60.

By this Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. §121:

Group I. Claims 1-14, 63, 66, drawn to various variant Ob receptor proteins, several point mutations and various compositions.

Group II. Claims 15-19, drawn to antigenic fragments and derivative thereto (Polymer

conjugates).

Group III. Claims 20-28, 34-48, 51-52, drawn to nucleic acids (NA) encoding Ob receptors (ObR), vectors, host cells and methods of making the variant forms of the OBR.

Group IV. Claims 29-33, 49-50 drawn to various partial nucleic acid pieces, such as oligo's (various different oligo's), antisense and ribozymes.

Group V. Claims 53-58 drawn to antibodies to ObR and hybridoma.

Group VI. Claims 59-62, drawn to methods of measuring leptin in various samples using antibodies.

Group VII. Claims 64-65, drawn to methods of treating weight disorders such as obesity using OB-R compositions.

Responsive to the Requirement for restriction, Applicants elect to prosecute the invention of Group IV, with traverse, Claims 29-33 and 49-50, which are drawn to various partial nucleic acid pieces, such as oligonucleotides (various different oligonucleotides), antisense and ribozymes. Applicants have herewith presented new Claims 67-72, drawn to methods utilizing oligonucleotides, which Applicants respectfully request be prosecuted with the elected Group IV.

Applicants respectfully request reconsideration of the Requirement for Restriction, or in the alternative, modification of the Restriction Requirement to allow prosecution of more than one group of Claims designated by the Examiner in the present Application, and in particular to allow prosecution of elected Claims 29-33, 49-50 and newly presented Claims 67-72 for the reasons provided as follows.

Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "'independent'" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "'distinct'" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification
2. Separate status in the art; or
3. Different field of search.

Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added).

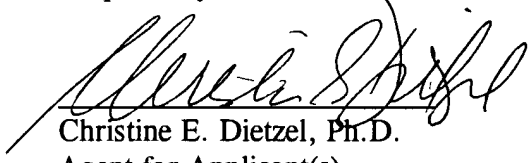
Applicants respectfully submit that Claims 67-72 now presented for prosecution with elected Group IV fail to define compositions and methods, with properties so distinct as to warrant separate Examination and Search. Claims 29-33, 49-50 of Group IV are drawn to various partial nucleic acid pieces, such as oligonucleotides (various different oligonucleotides), antisense and ribozymes that are fundamentally related to newly presented Claims 67-72, drawn to various methods of using oligonucleotides. The search for any of the methods separately classified by the Examiner as the invention of Group IV would require an additional search of the **identical** classes wherein the newly presented Claims 67-72 are classified, thus resulting in a duplicate search for the same material. Thus, Applicants submit that the Search and Examination of the entire Application, or, at least, of Group IV with newly presented Claims 67-72 can be made without serious burden, and therefore the Examiner must examine all of the claims of the Application on the merits.

The Examiner's assertions to the contrary notwithstanding, Applicants respectfully submit that conjoint examination and inclusion of all of the Claims of the present Application would not present an undue burden on the Examiner, and accordingly, withdrawal of the Requirement for Restriction, or, at the least, prosecution to include the Claims drawn to Group IV and newly presented Claims 67-72 is in order.

No fees supplemental to the Extension filed herewith are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment, or credit any overages.

In view of the above, withdrawal of the Requirement for the Restriction is requested, and an early action on the merits of the Claims is courteously solicited.

Respectfully submitted,



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